

## **SPECIAL MEETING OF BERKELEY COUNTY COUNCIL**

**Chairman:** Mr. James H. Rozier, Jr.

A **SPECIAL MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, September 09, 2002, in the Assembly Room of the Berkeley County Office building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 7:58 p.m.

**PRESENT:** Mr. James H. Rozier, Jr., Supervisor, Chairman of County Council; Mrs. Judith K. Spooner, Council Member District No. 2 and Vice Chairman of County Council; Mr. Milton Farley, Council Member District No. 1; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Steve M. Vaughn, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Council Member District No. 7; District No. 8, vacant as of August 1, 2002; Mr. D. Mark Stokes, County Attorney, and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations and concerned citizens.

Vice Chairman Spooner called the meeting to order. Councilmember Pinckney led in the invocation and Councilmember Crosby led the Pledge of Allegiance to the flag of the United States.

There was no **PUBLIC DISCUSSION**.

There was no **EXECUTIVE SESSION**.

### **THIRD READING:**

1. “**Bill No. 02-32**, An Ordinance authorizing the execution and delivery of a fee agreement by and between Berkeley County, South Carolina, and DAK Resins, LLC to provide for a fee in lieu of taxes incentive, and other matters relating thereto.”

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to adopt **Bill No. 02-32 on Third and Final Reading**. The motion was passed by unanimous voice vote of Council. *(a copy of Ordinance No. 02-09-38 is attached to these minutes)*

2. “**Bill No. 02-36**, an **Ordinance** authorizing the execution and delivery of a fee in lieu of tax agreement by and between Berkeley County, South Carolina, and **CropTech Corporation**; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.”

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to adopt **Bill No. 02-36** on **Third and Final Reading**. The motion was passed by unanimous voice vote of Council. (a copy of Ordinance No. 02-09-39 is attached to these minutes)

3. “**Bill No. 02-37**, an Ordinance authorizing the issuance and sale of Berkeley County, South Carolina, Special Source Revenue Bond (**Croptech Corporation Project**) Series 2002; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the aforesaid bond, including (i) an indenture; and (ii) certain other matters relating thereto.”

It was moved by Councilmember Vaughn and seconded by Councilmember Davis to adopt **Bill No. 02-37** on **Third and Final Reading**. The motion was passed by unanimous voice vote of Council. (a copy of Ordinance No. 02-09-40 is attached to these minutes)

### **RESOLUTION:**

1. “A **Resolution** to accept a **grant** from the Federal Aviation Administration for the Airport improvement program project No. 3-45-0041-10 at **Berkeley County Airport**, Moncks Corner, South Carolina.”

It was moved by Councilmember Crosby and seconded by Councilmember Farley to adopt the Resolution as presented. The motion was passed by majority voice vote of Council. (a copy of Resolution No. R 02-40 is attached to these minutes)

There was no **UNFINISHED BUSINESS**.

There was no **NEW BUSINESS**.

### **ANNOUNCEMENTS:**

There will be a Special Meeting of Planning and Development and Committee on Finance meeting on September 16, 2002 in the Berkeley County Assembly Room. Located at 223 N. Live Oak Drive, Moncks Corner, SC.

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to adjourn the Special meeting of Council. The motion was passed by unanimous voice vote of Council.

The meeting was adjourned at 8:01 p.m.

### **PUBLIC DISCUSSION:**

(During periods of discussion and/or presentations minutes are typically condensed and paraphrased.)

Mr. Jerry Bailey, 1008 Plantation Pine Road, Summerville, "The Pines", addressed Council regarding the New Tall Pines Special Tax District (STD). Eighty percent (80%) of the residence in his subdivision signed a petition in opposition to the New Tall Pines STD. He stated, "When we purchased our homes we were in complete and total understanding that we were not to be a part of the Homeowners Association or the STD." He requested Council not pass the New Tall Pines STD and allow "The Pines" to be exempt from the STD.

Councilmember Spooner asked if there was a contract signed that indicated their desire not to be a part of the association and STD?

Mr. Michael B. Rirgley presented a copy of the contract that Mr. Bailey signed with Sterling Builders upon the purchase of his home. A copy of this contract is on file in the Berkeley County ROD's office

Mr. Bailey explained that he did sign that at the initial purchase of his home, but did not sign the contract again at the closing of his home.

Councilmember Vaughn explained after understanding that certain properties can not be exempted from the STD, it was very unlikely that Council would vote the New Tall Pines STD down.

S/Barbara B. Austin  
Clerk of Council

October 28, 2002  
Date Approved

**NOTICE OF SPECIAL MEETING OF BERKELEY COUNTY COUNCIL**

Chairman: Mr. James H. Rozier, Jr., Supervisor  
Vice Chairman: Mrs. Judith K. Spooner, District No. 2

Members: Mr. Milton Farley, District No. 1  
Mr. William E. Crosby, District No. 3  
Mr. Charles E. Davis, District No. 4  
Mr. Steve M. Vaughn, District No. 5  
Mrs. Judy C. Mims, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Vacant, District No. 8

There will be a **SPECIAL MEETING** of **BERKELEY COUNTY COUNCIL** on **Monday September 9, 2002**, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, following the Special meeting of the Committee on Finance, the Committee on Public Works and Purchasing, the Committee on Land Use, the Committee on Planning and Development, the Committee on Water and Sanitation, the Committee on Community Services, the Committee on Justice and Public Safety and Public Hearings at **6:00 p.m.**

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**PUBLIC DISCUSSION** – Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

**THIRD READING:**

1. **Bill No. 02-32**, An Ordinance authorizing the execution and delivery of a fee agreement by and between Berkeley County, South Carolina, and DAK Resins, LLC to provide for a fee in lieu of taxes incentive, and other matters relating thereto.

[Recommended by Committee on Finance Committee]

2. **Bill No. 02-36**, an **Ordinance** authorizing the execution and delivery of a fee in lieu of tax agreement by and between Berkeley County, South Carolina, and **CropTech Corporation**; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes.

[Recommended by Committee on Finance Committee]

3. **Bill No. 02-37**, an Ordinance authorizing the issuance and sale of Berkeley County, South Carolina, Special Source Revenue Bond (**CropTech Corporation Project**) Series 2002; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the aforesaid bond, including (i) an indenture; and (ii) certain other matters relating thereto.

[Recommended by Committee on Finance Committee]

#### **RESOLUTION:**

1. A **Resolution** to accept a **grant** from the Federal Aviation Administration for the Airport improvement program project No. 3-45-0041-10 at **Berkeley County Airport**, Moncks Corner, South Carolina.

[Recommended by Committee on Community Services]

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

#### **ANNOUNCEMENTS**

#### **ADJOURNMENT**

#### **EXECUTION OF DOCUMENTS BY COUNCIL**

#### **PUBLIC DISCUSSION**

September 4, 2002  
S/Barbara B. Austin  
Clerk of County Council